

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEXPOINT STRATEGIC OPPORTUNITIES FUND,

Plaintiff,

-against-

ACIS CAPITAL MANAGEMENT, L.P., U.S.
BANK, N.A., JOSHUA N. TERRY, AND
BRIGADE CAPITAL MANAGEMENT, L.P.,

Defendants,

-and-

HIGHLAND CLO FUNDING LTD,

Intervenor-Defendant.

1:21-cv-04384-GHW

NOTICE OF MOTION
TO DISMISS

Oral Argument Requested

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, Intervenor-Defendant Highland CLO Funding Ltd. (“HCLOF”), by its attorneys Kasowitz Benson Torres LLP and Pachulski Stang Ziehl & Jones LLP, will move this Court, before the Honorable Gregory H. Woods, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York, 10007, at a date and time to be determined by the Court, for an Order dismissing Plaintiff’s Second Amended Complaint with prejudice pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Order, dated January 4, 2022 (ECF No. 65), Plaintiff's opposition papers must be filed within four weeks after service of this motion, and HCLOF's reply must be filed within two weeks after service of Plaintiff's opposition.

Dated: New York, New York
January 27, 2022

Respectfully submitted,

KASOWITZ BENSON TORRES LLP

By: /s/ Uri A. Itkin
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Attorneys for Highland CLO Funding, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Motion to Dismiss was served on this the 27th day of January, 2022 on all counsel of record via CM/ECF pursuant to the Federal Rules of Civil Procedure.

/s/ Uri A. Itkin

Uri A. Itkin